**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 22371 of 1995**

Between:

Hindi Vahini

rep. By its Chief (Pramukh) K. Laxman

S/o. Chinnanna Patel, R/o. H.No.3-4-1013/18, Kachiguda,

Hyderabad.

..... PETITIONER

AND

1. The State of Andhra Pradesh,

   Rep. By the District Collector, Warangal

2. Superintendent of Police, Warangal

3. Commissioner, Municipal Corporation, Warangal

4. Chairman, 'KUDA'

   Hanamkonda, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass any order, direction or writ preferably a writ of Mandamus, directing the respondents herein to obey and abide by the decree passed in O.S.No.971 of 1979 dated 21.03.1983 passed by the II Additional District Munsiff, Warangal allowing the petitioner and other Hindu devotees of 'Shiva deity' to perform archana and worshippings celebrate the public festivals like Dasara, Shivaratri, Vainayakachavithi, Sree Rama Navami etc., and also secure the temple property by erecting barricades or compound wall etc., over the temple land admeasuring 840 sq. yards belonging to Shiva deity of Shivalaya temple situated at Hanmakonda,

Chowrasta, Warangal, bounded by North: P.W.D. Cement Road, East: Building in possession of Immedisetty people, South: Anand lodge and building and open space, West: Bus Stand.

Counsel for the Petitioner: MR.PANDURANGA RAO KULKARNI

Counsel for Respondent No. 1: G.P. for Revenue

Counsel for Respondent No.2: G.P. For Home

Counsel for the Respondent Nos. 3 & 4: Mr. V. Viswanatham, Standing Counsel for Municipalities.

**The Court at the stage of admission made the following ORDER:**

Petitioner filed the present writ petition seeking to direct the respondents not to interfere with the activities of the petitioner and other Hindu devotees of 'Shiva deity' at the place, which is the subject matter of O.S.No.971 of 1979 filed by the then Chairman of Shivalaya Temple renovation committee and the member of the Hindu Community, which was decreed on 21.03.1983, wherein the schedule specified property was declared as temple land of 'Shiva deity' and the place of public worship of Hindu religious denomination and the defendant/first respondent herein/District Collector, State of Andhra Pradesh, Warangal, was restrained from interfering in any manner in the ownership and enjoyment of the suit land by the plaintiffs.

The case of the petitioner is that the respondents tried to deny the devotees from installing the Ganesh idol during the Vinayakachavithi celebrations in August/September 1995 in the vicinity of the temple land and the celebrations were went on peacefully with the intervention of the elders. But, when the Hindu devotees are performing 'Devi Navaratrulu' and are proceeding to construct the compound wall around the temple land-suit schedule land, again the respondents are interfering with the activities of the devotees.

In the counter-affidavit filed by the Inspector of Police, it was stated that there was a long standing dispute between the petitioner and the Wakf Board with regard to the land of an extent of 840 square yards situated on the main road at Hanumakonda Chowrastha, Hanumakonda and that no police officer interfered with the activities of the devotees at the time of installation of Ganesh idol or immersion of Ganesh idol in 1995 or in 1996. Thereafter also in view of the injunction order dated 11-10-1995 obtained by the petitioner, no Police Officer interfered with the activities of the devotees in the disputed land.

In view of the fact that the respondents are not interfering with the activities of the petitioner and other devotees and also as they not interfering with the peaceful possession and enjoyment of the land in dispute by the petitioner and other devotees as per the injunction order dated 11-10-1995 in W.P.M.P.No.27504 of 1995, I see no ground to entertain the present writ petition and the same is liable to be dismissed.

The writ petition is dismissed. No costs.

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**A.Gopal Reddy, J**

Date: 01.09.2004

ghn/va

To

1. The State of Andhra Pradesh,

   Rep. By the District Collector, Warangal

2. Superintendent of Police, Warangal

3. Commissioner, Municipal Corporation, Warangal

4. Chairman, ‘KUDA’

   Hanamkonda, Warangal District

5. Two CCs to the Government Pleader for Home, High Court of A.P., Hyderabad (o.u.t.)

6. Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad (o.u.t.)

7. Two CD copies.